

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRELL O'NEAL,

Plaintiff,

No. CIV S-04-0260 LKK JFM P

vs.

WHITE, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.


On May 29, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On June 12, 2008, plaintiff filed a request for a sixty day extension of time to file objections was granted. That request was granted by order filed July 2, 2008. The extended period of time has now expired and neither party has filed objections to the findings and recommendations.¹

¹ On June 6, 2008, plaintiff filed four documents, including two motions, a request for appointment of counsel, and a reply to defendants' opposition to plaintiff's motion to amend.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

- 4 1. The findings and recommendations filed May 29, 2008, are adopted in full;
- 5 2. Defendants' January 7, 2008 motion to dismiss this action is granted on the
6 ground that plaintiff failed to exhaust administrative remedies prior to suit;
- 7 3. Plaintiff's April 7, 2008 motion for leave to file a fifth amended complaint is
8 denied;
- 9 4. Plaintiff's June 6, 2008 motion for temporary restraining order and/or
10 preliminary injunction is denied;
- 11 5. Plaintiff's June 6, 2008 motion to suppress is denied; and
- 12 6. This action is dismissed without prejudice for failure to exhaust administrative
13 remedies prior to suit.

14 DATED: September 29, 2008.

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17 LAWRENCE K. KARLTON
18 SENIOR JUDGE
19 UNITED STATES DISTRICT COURT
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25 None of these documents are properly construed as objections to the findings and
26 recommendations. Because this action will be dismissed for the reasons set forth in the findings
and recommendations, plaintiff's June 6, 2008 motions will be denied.